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The EU–Turkey Migration Deal: Performance and Prospects

Dogachan DAGI^{*}

This article discusses whether the EU–Turkey migration deal of 2016 is sustainable in the midst of divergent priorities and expectations of the parties, adverse results procured from the deal, and growing mutual distrust between the EU and Turkey. In so doing, first, it provides an overview on the background of Europe’s migration crisis of 2015–2016 and outlines the rationale behind and expectations from the deal. Secondly, the article critically reviews the performance of the deal to evaluate the extent to which it has met the expectations. It is explained that while Turkey has gained strategic leverage in its relations with the EU its government has to bear political costs at the home-front and shelve off its accession perspective. The EU, on the other hand, has managed to reduce the number of migrants using the Eastern Mediterranean route but has to endure constant threats of the Turkish government to withdraw from the deal and put up with its withering reputation as a normative power. Finally, by highlighting the expectation-outcome gap and the political cost the deal has induced to bear for both parties, this article demonstrates that the agreement has been circumstantial without a solid foundation, and any of the parties may opt-out once it regards the cost-benefit balance works unfavourably for them.

Keywords: Migration, European Union, the EU–Turkey Migration Deal, Normative Power, Human Rights, Populism, European politics, Turkish Politics

1 INTRODUCTION

On 27 February 2020 Turkey declared it would no longer stop migrants trying to cross its borders into Europe in reaction to the killing of its thirty-six soldiers in a raid by the Russian-backed Syrian government forces in Idlib, north-west of Syria. This was a long-awaited move on the part of the Turkish president, Recep Tayyip Erdogan, who had repeatedly threatened the EU of ‘opening the gates’ for the refugees. ‘If European countries are living in peace today, it is thanks to Turkey for hosting four million refugees’, he said in May 2019 referring to the 2016 EU–Turkey migration deal.¹ Distressing words of the Turkish president who reminded European policy makers of the leverage he held as the gatekeeper of refugees were

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¹ Anadolu Agency, *Europe in Peace Thanks to Turkey: Erdogan* (3 May 2019), <https://www.aa.com.tr/en/europe/europe-in-peace-thanks-to-turkey-erdogan/1469285> (accessed 15 Dec. 2019).

not pointless. Over two million people mostly from Syria, Afghanistan, and Iraq illegally had crossed the EU borders during what known to be the 2015–2016 European refugee crisis using Turkey as the main route to enter.² Facing such a mass influx in a short space of time positioned the EU institutions and national political systems as well as the public at large under unprecedented stress.³ The situation the EU found itself in begged for swift and decisive measures to be taken collectively. Yet, this proved to be highly problematic as the twenty-eight Member States with diverging national priorities and political culture encountered difficulties in agreeing upon a common response.⁴ Besides, neither the Member States individually nor the EU as a whole had the capacity to quickly address the root causes of mass migration in the top refugee exporting countries, for instance, stopping the civil war in Syria, and stabilizing political and economic situation in Iraq and Afghanistan. Hence, the EU appeared to have been left with a policy option of externalizing migration controls; in other words, to make sure migrants are contained in a safe third country before reaching the borders of the EU. In this endeavour, despite the worsening bilateral relations due to the rising authoritarianism and strong anti-European discourse of Erdogan, securing a deal with Turkey was of utmost importance as it was the main route the migrants took to enter Europe. The Turkish government, though annoyed by European criticisms about its worsening democratic performance and human rights record, was also willing to strike a deal with the EU to transform the mode of relationship with its old partner. A deal was eventually reached on 18 March 2016 that has enabled Turkey's president to send repeated messages since then that the EU's migration policy, if not its peace and security, depends on his goodwill.

Is such a model of externalizing EU's migration policy through a deal with Turkey sustainable given the mixed results of the deal, increasing mutual distrust and counter accusations among the parties, and their unmet expectations? This article reassesses the EU–Turkey migration deal, its rationale and performance in a way to explain the ground on which the 2016 agreement is built. It argues that given the rationale and justifications of the deal, the overall outcome does not fully satisfy both sides. While Turkey has gained strategic leverage in its relations with the EU it has to bear political costs at the home front and shelve off its accession perspective. Besides, it keeps asking for more financial contribution from its European partner to uphold the deal as the number of refugees continues to

² Eurostat, *Third Country National Found to Be Illegally Present—Annual Data* (23 Aug. 2019), http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eipre&lang=en (accessed 15 Dec. 2019).

³ E. Harteveld, J. Schaper & S. De Lange, *Blaming Brussels? The Impact of (News About) the Refugee Crisis on Attitudes Towards the EU and National Politics*, 56(1) J. Com. Mkt. Stud. 157–177 (2018).

⁴ A. Niemann & N. Zaun, *EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives*, 56(1) J. Com. Mkt. Stud. 3–32 (2018).

increase in Turkey. On the other hand, having managed to reduce the number of migrants using the Eastern Mediterranean route the EU has to endure constant threats of the Turkish government to withdraw from the deal, and put up with its withering reputation as a normative power. Moreover, international civil society has remained highly critical of the deal which was seen as a breach of the right for asylum. Can an agreement like the EU–Turkey migration deal survive such a severe policy environment? This article, by pointing to the expectation–outcome gap and lack of satisfaction on both sides, argues that the EU–Turkey migration deal continues to stand on shaky ground, is a crisis-ridden one in nature, and as such, it has been circumstantial without a solid foundation that is unlikely to last long. To explain this, first, this article provides a brief overview on the background of Europe’s migration crisis of 2015–2016 and outlines the rationale and objectives of the EU–Turkey agreement. Secondly, the article critically reviews the performance of the deal to evaluate the extent to which it has met the expectations. Doing so it assesses the migration numbers on the east Mediterranean route since the deal signed, the damage it inflicted on the EU’s normative power, and the state of populist movements in Europe that use migration as an issue of mobilization. Finally, the article evaluates Turkey’s strategic gains vis-à-vis its dealings with the EU as well as the political cost the migration deal with the EU incurred on Turkish government.

2 EUROPE’S MIGRATION CRISIS OF 2015–2016

In general terms, civil wars, humanitarian crisis, excessive poverty, and general lawlessness in the Middle Eastern and African countries constituted the root cause of the 2015–2016 migration crisis of Europe. Within this general context, some specific circumstances in the summer of 2015 triggered this new wave of migration into Europe. First of all, the Assad regime had made it easier for Syrian nationals, who constituted the largest source of irregular migration to Europe, to leave the country in order to further cleanse Syria from its opponents.⁵ Secondly, Turkey already hosting about three million refugees and being the main route of migrants to the EU turned a blind eye, under the initiative of President Erdogan, to mostly Syrian migrants who crossed the Turkish border illegally.⁶ Thirdly, the government of Macedonia declared that they had changed their regulations on illegal immigration, making it possible for migrants to head towards the West via trains

⁵ *Syria Changes Passport Rules for Citizens Abroad*, Daily Mail (28 Apr. 2015), <https://www.dailymail.co.uk/wires/afp/article-3056388/Syria-changes-passport-rules-citizens-abroad.html> (accessed 17 Dec. 2019).

⁶ *Gateway to Europe: Why Turkey Isn’t Stopping the Migrants*, Euronews (22 Sept. 2015), <https://www.euronews.com/2015/09/22/gateway-to-europe-why-turkey-isn-t-stopping-the-migrants> (accessed 17 Dec. 2019).

and busses.⁷ Lastly, the speeches of ruling European elites, in particular, German and Swedish politicians who announced ‘solidarity’ with the refugees fleeing war referring to their ‘welcome culture’ boosted the motivation of the Middle Eastern and African migrants to head towards Europe.⁸

As a result, according to United Nations High Commissioner for Refugees (UNHCR) in 2015 alone over one million migrants reached Europe by sea mainly landing on Greece and Italy while almost 4,000 of them were believed to drown trying to cross the Mediterranean. Among them, over 800,000 migrants came via the Aegean Sea from Turkey into Greece in 2015, exceeding its capacity to cope with such a high number of asylum seekers.⁹ The flow of migrants into Europe continued unabated in 2016. With the EU’s failure to come up with a common response to the migration crisis the Dublin regulation and the Schengen visa regime governing migration and the free movement of people were the first institutions to be in grave danger. In a bid to protect themselves from being overwhelmed by mass migration the Member States took a variety of abrupt precautions from the construction of security barriers in the Hungarian–Serbian border¹⁰ to the temporary suspension of Schengen visa policy by Austria¹¹ and France.¹² In response, Angela Merkel, the chancellor of Germany warned the Europeans that Schengen could be nullified if all the Member States refuse to take their ‘fair share’ of refugees.¹³ Also, it appeared that the Dublin regulation caused enormous dilemmas for the EU institutions as well as its members. The secondary movements of the refugees from their country of entry violated the Dublin regulations as it eliminated border controls within the EU, but it also exposed the Member States in the Mediterranean which are the gates of entry for the refugees.

This created serious anxiety for the EU as the decades-long European integration were effectively regressing due to great external pressures. However, the problem was much deeper than the malfunctioning of the Schengen regime and the Dublin regulation. The mass influx of Middle Eastern and African migrants to

⁷ *Macedonia Allows Migrants to Legitimately Transit Country*, VoA News (18 June 2015), <https://www.voanews.com/a/macedonia-migrants-asylum-law/2828577.html> (accessed 16 Dec. 2019).

⁸ F. Trauner & J. Turton, *Welcome Culture: The Emergence and Transformation of a Public Debate on Migration*, 46(1) OZB: Austrian J. Pol. Sci. 33–42 (2017).

⁹ UNHCR, *Over One Million Sea Arrivals Reach Europe in 2015* (30 Dec. 2015), <https://www.unhcr.org/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html> (accessed 16 Dec. 2019).

¹⁰ Website of the Hungarian Government, *Reinforcement of Temporary Border Barrier Starts on the Hungarian–Serbian Border* (4 Apr. 2016), <http://www.kormany.hu/en/ministry-of-defence/news/reinforcement-of-temporary-security-barrier-starts-on-the-hungarian-serbian-border> (accessed 16 Dec. 2019).

¹¹ J. Minns & M. Karnitschnig, *Austria Suspends Schengen*, Politico (17 Jan. 2016), <http://www.politico.eu/article/austria-suspends-schengen-border-checks-eu-migrants/> (accessed 20 Dec. 2019).

¹² *France Suspends Schengen Visa*, Schengenvisainfo (13 Nov. 2015), <https://www.schengenvisainfo.com/news/france-suspends-schengen-visa/>.

¹³ M. Karnitschnig, *Merkel Warns Schengen Could Be at Risk*, Politico (31 Aug. 2015), <http://www.politico.eu/article/merkel-warns-schengen-at-risk-germany-refugees-migration-quotas-travel/> (accessed 20 Dec. 2019).

Europe posed serious demographic, economic, and political challenges. The European public at large was highly sceptical of the way the EU dealt with the crisis¹⁴ as the media presented the cases of cultural conflict in terms of the rise of terrorism, petty crimes, and gang violence, which were associated with the recent migration flows. The overwhelmingly Islamic nature of the migrants, as well as the radically different cultural background of them in comparison with Western values and European lifestyle also raised concerns among the European public about the possibility of coexistence.¹⁵ In such a context, once marginal populist parties with strong anti-migration political agenda gained ground throughout Europe, further jeopardizing stability and sustainability of the EU.¹⁶ It appeared that the events of 2015–2016 created serious unconstructive contestations in all levels of EU governance as strict lines were drawn between those who regarded the issue as firstly a crisis of national security and sovereignty, and those who saw it as primarily a matter of human security.¹⁷

In sum, the migration crisis of 2015–2016 shook the very foundations of the EU's migration policy, triggering complex questions with no apparent answers, and defuncting the institutions and regulations. The EU policy makers were caught in between the desire to uphold what they believed to be 'European values' such as the welcome culture, anti-discrimination, right to asylum and the question of how to respond to growing frustration of the public regarding the EU's open doors policy which created immense divisions between and within Member States.¹⁸ Against this background that the EU Migration Commissioner described the state of the union as follows: 'The future of Europe is at stake if we do not manage to provide permanent solutions on the migration issue'.¹⁹ Thus, under tremendous stress, the EU wanted to find a solution for the problem by keeping the migrants in third countries before they reach its borders. For this, it was apparent that the EU had to persuade Turkey, despite the defiance of Erdogan

¹⁴ European Commission, *Special Eurobarometer Survey: Europeans' Attitudes Towards Security* (2015), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/basic-documents/docs/20150408_1_memo_eurobarometer_april_2015_v2_en.pdf; Migration Watch UK, *Recent Polls on Immigration* (7 Apr. 2016), <https://www.migrationwatchuk.org/briefing-paper/361> (accessed 21 Dec. 2019).

¹⁵ S. Wagstyl, *Angela Merkel's Warm Migrant Rhetoric Belies a Colder Welcome*, Financial Times (12 May 2016), <https://www.ft.com/content/cb85b500-179f-11e6-b197-a4af20d5575e> (accessed 22 Dec. 2019).

¹⁶ W. Galston, *The Rise of European Populism and the Collapse of the Center-Left* (Brookings Institution 2018), <https://www.brookings.edu/blog/order-from-chaos/2018/03/08/the-rise-of-european-populism-and-the-collapse-of-the-center-left/> (accessed 21 Dec. 2019).

¹⁷ D. Dagı, *Refugee Crisis in Europe (2015–2016): The Clash of Intergovernmental and Supranational Perspectives*, 6(1) Int'l. J. of Soc. Sci. 1–8 (2017).

¹⁸ European Commission, *A European Agenda on Migration* (2015), https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/backgroundinformation/docs/communication_on_the_european_agenda_on_migration_en.pdf (accessed 23 Dec. 2019).

¹⁹ Avramopoulos: *EU/Turkey Migrants Deal Must Survive*, Euronews (12 Sept. 2019), <https://www.euronews.com/2019/09/11/avramopoulos-eu-turkey-migrants-deal-must-survive> (accessed 18 Dec. 2019).

and increasingly poor human rights performance of Turkey, to close its borders and act as a gatekeeper of Europe.

3 THE EU–TURKEY MIGRATION DEAL: THE CONTENT AND THE CONTEXT

The EU found itself in a situation where not only it had been flooded with more than one and a half million migrants, the overwhelming majority of them using Turkey as a transit country, but also there were close to three million Syrian refugees left in Turkey who were likely to take the route to Europe. Under such great pressure, the EU sought a deal with Turkey to halt the mass migration heading towards Europe and decrease the pressure put onto the EU institutions, politicians and the European public opinion.²⁰

During the height of the crisis, the EU and Turkey had already begun negotiating for a deal on migration reaching an agreement on an action plan in October 2015.²¹ The influx of migrants into Europe showed no sign of decline even after the action plan since the Turkish government was not keen on counter-acting human smugglers or illegal migrants without securing a tangible deal with the EU that included financial and political concessions.²² The ineffective accord of October 2015 was significantly reinforced with an agreement on 18 March 2016 known as the ‘EU–Turkey migration deal’. It created a joint coordination mechanism to oversee the agreement and work to stop the flow of migrants towards the EU.²³ According to the deal, a ‘1:1 resettlement scheme’ was established which meant that new illegal migrants entering the EU territory would be deported to Turkey with the promise of the EU to relocate one Syrian refugee in Turkey for every one sent back. Turkey also pledged to take all necessary measures to guard its sea and land borders to prevent illegal migration into the EU territories. Moreover, the deal included visa liberalization for Turkish nationals immediately effective after Turkey’s fulfilment of the remaining seven technical requirements out of a total of seventy-two. As part of the deal, the EU also agreed to transfer to Turkey a humanitarian aid of EUR 6 billion for the facility for refugees until the end of 2019. A general commitment to deepen the bilateral relations, re-energize the accession process, and opening new negotiation chapters in accession talks were also promised on the part of the EU.

²⁰ Niemann & Zaun, *supra* n. 3, at 3.

²¹ European Commission, *EU–Turkey Joint Action Plan*, Press Release (Brussels 15 Oct. 2015), https://europa.eu/rapid/press-release_MEMO-15-5860_en.htm (accessed 22 Dec. 2019).

²² B. Saatcioglu, *The European Union’s Refugee Crisis and Rising Functionalism in EU–Turkey Relations*, Turkish Stud. (2019), DOI: 10.1080/14683849.2019.1586542.

²³ European Council, *EU–Turkey Statement*, Press Release (18 Mar. 2016), <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/> (accessed 23 Dec. 2019).

The deal came out of the belief on the European side that working together with Turkey, despite the authoritarian turn under Erdogan's leadership, is a requisite to halt migration flow.²⁴ The EU seemed to extend a helping hand towards a country overwhelmed by refugees in terms of financial aid in return for keeping the migrants in its own territory. Yet, in a bid to address growing migration crisis with a humanitarian face, the EU was anxious to offer a variety of moral reasons to justify an agreement with Turkey as framed by the Council of European Union: 'In order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey today decided to end the irregular migration from Turkey to EU'.²⁵ Despite moral dilemmas, the EU was first and foremost moved by an obvious concern, which was to stop the flow of irregular migrants in order to mitigate its detrimental effects on its institutions and Member States.²⁶ It particularly aimed to halt 'irregular migration' into Greece from Turkey by persuading the latter to seal off its borders to migrants.

Moreover, another key rationale for European political leaders in signing a deal with Turkey was to evade possible repercussions of the continued flow of refugees in the context of rapidly rising ultra-right political movements which, partly, resulted from the reaction to mass Islamic migration and concerns of terrorism associated with migrants as exemplified by a terror attack at the office of Charlie Hebdo in Paris in 2015.²⁷ Against such a background already developing, the EU and member countries, struck hard by the new wave of migration, appeared 'desperately needing Turkey to serve as a migrant waiting room on its borders'²⁸ to ensure political stability by removing one of the breeding grounds of rising Euroscepticism in the EU area.

Turkey, as an accession candidate, on the other hand, was in a position as a transit country of refugee flows to bargain concessions in return for sealing off its borders and accepting the returned refugees. From a Turkish point of view, the migration negotiations came when a crisis was unfolding with Russia over the downing of a Russian SU-24 attack aircraft, by Turkish air forces, which was operating in a region controlled by the Turkish backed Islamist rebels in northern

²⁴ European Commission, *EU–Turkey Cooperation: A 3-Billion-Euro Refugee Facility for Turkey*, Press Release (24 Nov. 2015), http://europa.eu/rapid/press-release_IP-15-6162_en.htm (accessed 22 Dec. 2019).

²⁵ European Council, *supra* n. 23.

²⁶ Saatchioglu, *supra* n. 22.

²⁷ E. Collett, *The Paradox of the EU–Turkey Refugee Deal*, Migration Pol'y Inst. (2016), <https://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal> (accessed 24 Dec. 2019); J. F. Rodriguez, *Paris, Berlin, Ankara: A Deal Driven by Populism*, Institute of European Democrats (Brussels 2016), <https://www.iedonline.eu/download/2016/schengen/FERRO-RODRIGUEZ.pdf> (accessed 24 Dec. 2019).

²⁸ M. Wilczek, *When the EU Is No Longer Able to Bribe Turkey, the Blackmail Will Begin*, The Spectator (4 Mar. 2016), <https://blogs.spectator.co.uk/2016/03/when-the-eu-is-no-longer-able-to-bribe-turkey-the-blackmail-will-begin/> (accessed 27 Dec. 2019).

Syria. The Turkish government, after a period of worsening bilateral relations with the Western world in general and the EU in particular, was looking for a rapprochement with the West to avoid further isolation in the world. Besides, the migration issue appeared as an opportunity to redefine its relations with the EU on a strategic ground away from the human rights/rule of law/democracy agenda on which the government had been receiving severe criticism in recent years from the European circles.²⁹

There was also a financial aspect of the deal for Turkey. Already having spent more than EUR 7,6 billion on Syrian refugees,³⁰ Turkey was in need of foreign aid which the EU stipulated to provide. While the Turkish officials had been far from complaining about the financial costs of the Syrian refugees in a show of strength domestically, they nevertheless acknowledged that economic aid was needed, often accusing the Western world of turning a blind eye to a humanitarian catastrophe and leaving Turkey alone in dealing with Syrian refugees.³¹ The financial aid package envisioned by the deal, therefore, warmly welcomed. Moreover, visa liberalization promised by the EU, a long sought-after objective of Turkish governments, if realized, would be as a major political victory in domestic politics.

Even though the bilateral relations were highly strained before the start of negotiations, both sides, by March 2016, were prepared to put their disagreements aside seeing each other as strategic allies willing to cooperate on 'issues of mutual concern'.³² The deal, thus, was expected to base bilateral affairs on a solid ground of strategic cooperation to create a sustainable partnership instead of an ever-slowing process of accession negotiations.

4 ASSESSING THE DEAL: A SUCCESS?

4.1 MIGRATION NUMBERS AFTER THE DEAL

The success of the deal cannot only be judged in terms of numbers but, immediately after the agreement the first result of the deal was apparent: a significant decrease in the number of migrants crossing the Aegean Sea as well as the number of migrants losing

²⁹ European Commission, *Turkey 2015 Report*, Brussels, SWD, 216 Final (11 Oct. 2015); N. E. G. Aras, *Coercive Engineered Syrian Mass Migration in the EU–Turkey Relations: A Case Analysis for Future Reference*, 57(2) *Int'l Migration* 186–199 (2019).

³⁰ *Turkey Spent \$7.6 Billion Hosting 2.2 Million Syrian Refugees* (Reuters 18 Sept. 2015), <https://www.reuters.com/article/us-mideast-migrants-turkey/turkey-spent-7-6-billion-hosting-2-2-million-syrian-refugees-idUSKCN0RI0N720150918> (accessed 27 Dec. 2019).

³¹ M. Ekinci, *Türkiye-AB geri kabul anlaşması ve vize diyalogu*, SETA Analiz (2016).

³² European Commission, *Implementing the EU–Turkey Statement – Questions and Answers* (8 Dec. 2016), https://www.avrupa.info.tr/sites/default/files/2017-09/MEMO-16-4321_EN_0.pdf (accessed 27 Dec. 2019); I. Demirsu & D. Cihangir-Tetik, *Constructing the Partnership with Turkey on the Refugee Crisis: EU Perceptions and Expectations*, 21(6) *J. Balkan & Near E. Stud.* 625–642 (2018).

their lives. According to the report of the European Commission, in a matter of five months after the deal, the irregular migration to Greece decreased a staggering 97% and the death toll was almost eradicated by May 2016 falling from 270 witnessed in January 2016.³³ The deal seemed to have produced the expected result in 2017 too as UNHCR data shows that illegal crossings from Turkey to Greece amounted to be less than 6,000.³⁴ However, in 2018 it is reported that the Turkish officials failed to stop more than 30,000 illegal migrants on their way to Greece, a significant rise comparing to 2017.³⁵ According to International Organization for Migration (IOM) figures, a total of 66,166 migrants arrived in Greece in 2019 more than doubled the previous year, and the highest in the post-deal period.³⁶

However, deportations from Greece to Turkey have remained significantly lower than expected. According to the Commission, under the agreement, 2,130 migrants were returned between March 2016 and January 2018³⁷ while the Turkish government maintained that only 1884 people have been sent back to Turkey, including 357 Syrians³⁸ which has been heavily criticized by the German government for underperforming on deportations.³⁹ Yet, as a response to the increasing numbers of illegal arrivals to the Greek islands in the summer of 2019 Greece pledged to resume deportations to Turkey.⁴⁰ The problems in migrant

³³ European Commission, *EU–Turkey Statement: Two Years on* (2018), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf (accessed 3 Jan. 2020); L. B. Adam, *The EU–Turkey Deal One Year On: A Delicate Balancing Act*, 52(4) *Int'l Spectator* 44–58 (2017); M. Walter-Franke, *Two Years Into the EU–Turkey 'Deal': Impact and Challenges of a Turbulent Partnership*, Jacques Delors Institut, Blog Post (15 Mar. 2018), https://www.delorsinstitut.de/2015/wp-content/uploads/2018/03/20180315_Two-years-into-the-EU-Turkey-Deal_Walter-Franke.pdf (accessed 3 Jan. 2020); E. Burnhill, *EU–Turkey Deal: What Has Its Impact Been?*, RTE News (20 Mar. 2019), <https://www.rte.ie/news/world/2019/0320/1037570-eu-turkey-deal/> (accessed 3 Jan. 2020); C. Marciliy & A. Garde, *The EU–Turkey Agreement and Its Implications: An Unavoidable But Conditional Agreement*, Robert Schuman Foundation Policy Paper, no. 396 (14 June 2016).

³⁴ Daily Sabah, *UNHCR: Refugee and Migrant Numbers Spike in Greece* (5 Sept. 2018), <https://www.dailysabah.com/world/2018/10/05/unhcr-refugee-and-migrant-numbers-spike-in-greece> (accessed 5 Jan. 2020).

³⁵ IOM, *Mediterranean Migrant Arrivals Reach 103, 347 in 2018; Deaths Reach 2054* (16 Nov. 2018), <https://www.iom.int/news/mediterranean-migrant-arrivals-reach-103347-2018-deaths-reach-2054> (accessed 4 Jan. 2020).

³⁶ M. Bierbach, *Migration to Europe in 2019: Facts and Figures*, Infomigrants (30 Dec. 2019), <https://www.infomigrants.net/en/post/21811/migration-to-europe-in-2019-facts-and-figures> (accessed 4 Jan. 2020).

³⁷ European Commission, *Operational Implementation of the EU–Turkey Statement* (12 Mar. 2019), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_eu-turkey_en.pdf (accessed 6 Jan. 2020).

³⁸ *Turkey Suspends Deal with the EU on Migrant Readmission*, Euractiv (24 July 2019), <https://www.euractiv.com/section/global-europe/news/turkey-suspends-deal-with-the-eu-on-migrant-readmission/> (accessed 6 Jan. 2020).

³⁹ *EU–Turkey Migrant Deal 'Not Working Properly': Germany's Merkel* (Reuters 11 Jan. 2019), <https://www.reuters.com/article/us-greece-germany-merkel-refugees/eu-turkey-migrant-deal-not-working-properly-germanys-merkel-idUSKCN1P51VX> (accessed 7 Jan. 2020).

⁴⁰ H. Skopis, *Greece Will Resume Deportation of Migrants to Turkey*, Greek Reporter (24 Aug. 2019), <https://greece.greekreporter.com/2019/08/24/greece-will-resume-deportation-of-migrants-to-turkey/> (accessed 8 Jan. 2020).

deportations also undermined the implementation as well as the rationale of the '1:1 scheme' which meant the resettlement of a Syrian refugee in Turkey to an EU member for each migrant deported to Turkey. The EU Member States eventually took many more Syrians than the migrants who have been sent back to Turkey. Nevertheless, the deal actually projected at least 25,000 resettlements for the year 2017 alone, but no more than 12,000 Syrian refugees were resettled from Turkey to the EU countries as of January 2018.⁴¹

4.2 EU'S REPUTATION AS A NORMATIVE POWER

The numbers indicate that the deal has saved many lives, of those who would have otherwise been encouraged to cross the Aegean Sea at their own risk. However, critics of the deal still maintain that the deal has actually jeopardized the safety of the migrants as it pushed people who desperately want to reach Europe towards more dangerous routes.⁴² Human rights groups insist that as a direct result of the migration deal, the camps located in the Greek islands offer inhumane conditions of living and are increasingly overcrowded. For instance, more than 4,000 people are stuck in a migrant camp which has a capacity of 648 located in the Samos island.⁴³ On the eve of the third anniversary of the EU–Turkey accord, twenty-five human rights organizations signed an open letter calling on European leaders 'to take immediate and sustained action to end the unfair and unnecessary containment policy'.⁴⁴

It is evident that the EU–Turkey migration deal has created a moral dilemma for the EU which appeared seeking ways to keep migrants out of their borders disregarding the right to asylum.⁴⁵ Critical voices, especially from human rights groups, suggest that the EU did not fulfil its humanitarian responsibilities and 'fortress Europe' is not a moral answer to the migration challenge.⁴⁶ It is also

⁴¹ European Commission, *supra* n.33.

⁴² K. Budge, *Refugees Out of Sight, Out of Mind: Two Years on from EU–Turkey Deal*, The Conversation (19 Mar. 2018), <http://theconversation.com/refugees-out-of-sight-out-of-mind-two-years-on-from-eu-turkey-deal-93451>; Collett, *supra* n. 27.

⁴³ E. Becatoros, *Three Years on, What's Become of the EU–Turkey Migration Deal?*, Ekathimerini (20 Mar. 2019), <http://www.ekathimerini.com/238758/article/ekathimerini/news/three-years-on-whats-become-of-the-eu-turkey-migration-deal> (accessed 8 Jan. 2020).

⁴⁴ Amnesty International, *European Leaders Must End the Humanitarian and Human Rights Crises at Europe's Borders* (14 Mar. 2019), <https://www.amnesty.org/en/latest/news/2019/03/european-leaders-must-end-the-humanitarian-and-human-rights-crisis-at-europes-borders/> (accessed 7 Jan. 2020).

⁴⁵ K. Kirisci, *Europe's Refugee/Migrant Crisis: Can Illiberal Turkey Save Liberal Europe While Helping Syrian Refugees?*, Eur. Pol'y Centre Pol'y Brief, (Brussels 19 Feb. 2019); L. Haferlach & D. Kurban, *Lessons Learnt from the EU–Turkey Refugee Agreement in Guiding EU Migration Partnership with Origin and Transit Countries*, 8(4) Global Pol'y 85–93 (2017).

⁴⁶ Collett, *supra* n. 27; B. Ward, *Think Fortress Europe Is the Answer to Migration? Get Real*, Hum. Rts. Watch (10 July 2018), <https://www.hrw.org/news/2018/07/10/think-fortress-europe-answer-migration-get-real> (accessed 9 Jan. 2020).

argued that the European governments that ratified the 1951 Geneva Convention and its 1967 protocol are effectively shirking their international commitment to refugee protection.⁴⁷ Overall, the EU's response to the migration wave of 2015–2016 appeared prioritizing security over human rights, contrary to the claim that the EU's strategic interest must be consistent with its values. Such a position has damaged the EU's role as a normative power in world politics, and rendered diffusing its values and norms problematical in the face of accusations that the deal contravened the EU's own values and norms.⁴⁸

The EU's normative standing has also come under criticism due to its acceptance of Turkey as a safe third country for returning refugees.⁴⁹ International human rights NGOs including Amnesty International and Human Rights Watch have declared Turkey not a safe place for refugees⁵⁰ by pointing to the difficulties of the Syrian refugees getting a work permit, the exploitation of Syrians in underpaid jobs and the inaccessibility of education for Syrian children in Turkey.⁵¹ It is also suggested that mounting evidence of human rights violations, sporadically occurring terrorist attacks and the crackdown on free press can be cited as reasons why Turkey is not a safe third country.⁵² The geographical limitation Turkey had inserted to the 1951 Refugee Convention that guarantees refugee status only to European nationals under which the Syrian refugees are not recognized as such but classified merely as 'guests' is also reminded in the discussion of Turkey's 'safe country status'. The opponents maintain that Turkey does not have a good record of refugee protection, and not being part of the EU, the procedural safeguards that are in place within the EU are not applicable to Turkey, so in cases of human rights violations or torture committed in Turkey, the EU will violate the principle of *non-refoulement*.⁵³ With all these criticism, not only Turkey but also the EU has become the target of human rights criticism that has to a

⁴⁷ K. Rygiel, F. Baban & S. Ilcan, *The Syrian Refugee crisis: The EU–Turkey 'Deal' and Temporary Protection*, 16(3) *Global Soc. Pol'y* 315–316 (2016).

⁴⁸ Haferlach & Kurban, *supra* n.45; A. Bilgic & M. Pace, *The European Union and Refugees. A Struggle Over the Fate of Europe*, 3(1) *Global Aff.* 89–97 (2017).

⁴⁹ M. Gkliati, *The EU–Turkey Deal and the Safe Third Country Concept Before the Greek Asylum Appeals Committees*, 3(3) *Movements* 215–223 (2017); D. Simsek, *Turkey as a 'Safe Third Country'? The Impacts of the EU–Turkey Statement on Syrian Refugees in Turkey*, 22(4) *Perceptions* 161–182 (2017); E. Roman, T. Baird & T. Radcliffe, *Why Turkey Is Not a 'Safe Country'*, *Statewatch Analysis* 1–26 (Feb. 2016), <https://www.statewatch.org/analyses/no-283-why-turkey-is-not-a-safe-country.pdf> (accessed 9 Jan. 2020).

⁵⁰ Amnesty International, *Turkey: Illegal Mass Returns of Syrian Refugees Expose Fatal Flaws in EU–Turkey Deal* (1 Apr. 2016), <https://www.amnesty.org/en/press-releases/2016/04/turkey-illegal-mass-returns-of-syrian-refugees-expose-fatal-flaws-in-eu-turkey-deal/> (accessed 10 Jan. 2020); B. Frelick, *Is Turkey Safe for Refugees?*, *Hum. Rts. Watch* (22 Mar. 2016), <https://www.hrw.org/news/2016/03/22/turkey-safe-refugees> (accessed 10 Jan. 2020).

⁵¹ L. B. Adam, *The Refugee Card in EU–Turkey Relations: A Necessary But Uncertain Deal*, *Global Turkey in Europe Working Paper* 14 (2016).

⁵² K. Greenhill, *Open Arms Behind Barred Doors: Fear, Hypocrisy and Policy Schizophrenia in the European Migration Crisis*, 22(3) *Eur. L. J.* 328 (2016).

⁵³ J. Poon, *EU–Turkey Deal: Violation of, or Consistency with International Law*, 1(3) *Eur. Papers* 1195–1196 (2016).

certain extent damaged the latter's standing as a normative power. It seemed that the EU's perceived security interests outweighing its ideals have undermined its moral claim in world politics.⁵⁴

4.3 THE STATE OF POPULISM

The EU's attempt to stop the flow of migrants in 2016 through a deal with Turkey was motivated, among others, by a concern that ever-increasing numbers of migrants crossing into Europe were a breeding ground for populist political movements. Their electoral breakthroughs, in fact, had predated the massive migration flow of 2015–2016 but by 2016 about one-third of European voters started to vote for populist parties across Europe spurred by the refugee crisis.⁵⁵ Immigration seems to have raised cultural and security concerns taken up by populist parties across Europe. Slowing down the migration flow to Europe by a deal with Turkey was expected to help render populist parties irrelevant, and thus, evade possible political repercussions of the continued flow of migrants.⁵⁶

In the end, the deal with Turkey may have slowed down the growth of the anti-establishment populist parties that they had enjoyed during the refugee crisis of 2015–2016. Nevertheless, they maintained a certain level of appeal, but could not advance their 2016 position as feared by pro-EU circles. Despite the migration deal, the national and European elections reveal that populist parties are here to stay for some time. In Central and Eastern EU countries, political parties sceptical towards mass migration and Islamization are overwhelmingly the most popular. In the Western core EU countries, the 'centre-left' is rapidly collapsing⁵⁷ though populist parties are still short of winning solid majorities in the national elections. This trend has been also demonstrated in the 2019 European Parliament elections in which parties conventionally regarded to be 'anti-establishment' secured a third of the total votes, nullifying the possibility of a centre-left and centre-right coalition for the first time in the EU history.⁵⁸ The migration question, three years after

⁵⁴ C. Nas, *The EU's Approach to the Syrian Crisis: Turkey as a Partner?*, 16(62) *Uluslararası İlişkiler* 64 (2019).

⁵⁵ Pew Research Centre, *European Opinions of the Refugee Crisis in 5 Charts* (16 Sept. 2016), <https://www.pewresearch.org/fact-tank/2016/09/16/european-opinions-of-the-refugee-crisis-in-5-charts/> (accessed 12 Jan. 2020).

⁵⁶ Collett, *supra* n. 27; Rodriguez, *supra* n. 27; J. Kyle & L. Gultchin, *Populists in Power Around the World* (Tony Blair Institute for Global Change 7 Nov. 2018), <https://institute.global/insight/renewing-centre/populists-power-around-world> (accessed 12 Jan. 2020).

⁵⁷ C. Bickerton, *The Collapse of Europe's Mainstream Center Left*, *NewStatesman America* (1 May 2018), <https://www.newstatesman.com/world/europe/2018/05/collapse-europe-s-mainstream-centre-left> (accessed 12 Jan. 2020).

⁵⁸ S. Dennison & P. Zerka, *The 2019 European Election: Anti-Europeans Plan to Wreck Europe and What Can Be Done to Stop It*, Eur. Council on Foreign Rel. (2019), https://www.ecfr.eu/specials/scorecard/the_2019_european_election (accessed 14 Jan. 2020).

the European refugee crisis, still make up the fifth biggest issue influencing voting decisions of one-third of Europeans according to recent polls.⁵⁹ It can be assumed that if it wasn't for the EU–Turkey deal the issue of migration would have evolved to be ever more salient, probably, resulting in a much higher share of votes for the populists in European elections, and as such the deal by denying further ammunition to the populists might be considered to be a marginal success for the EU.

4.4 EU–TURKEY BILATERAL RELATIONS

From a Turkish perspective, the deal has not brought about its promises on bilateral relations. The stated objective of re-energizing the EU–Turkey accession talks has not been materialized, not a single new chapter has been opened in the accession negotiations in the post-deal era. Moreover, the European Parliament, pointing to 'severe political and democratic backsliding', overwhelmingly voted in favour of suspending the accession talks with Turkey.⁶⁰

The promise on visa liberation for Turkish citizens has not been realized too. This was not solely due to the unwillingness of the EU officials but also because of Turkey's refusal to conform to the EU safety and travel regulations as well as the issues of fighting against corruption and narrowing the scope of anti-terror legislation.⁶¹

Concerning the financial aid promised to Turkey, though there were technical disputes on the payment of 6 billion Euro from the EU to Turkey such as the timing of the payment and EU's requests for transparency to make sure the money goes directly to Syrian refugees, the deal functioned relatively smoothly but with some delay.⁶² The EU funds of EUR 3 billion for 2016–2017 were disbursed while of the remaining EUR 3 billion for 2018–2019 almost all have been committed, half of it have been contracted, and nearly one third disbursed. The Turkish government frequently raised its dissatisfaction with the amount and the way it was allocated. Nevertheless, even the EUR 6 billion committed from EU taxpayers' money was of little help for Turkey who according to official numbers has spent about 40 billion USD for Syrian refugees⁶³ in the midst of record-high levels of unemployment and an economy in recession.

⁵⁹ European Parliament, *Post-election Survey 2019: First Results* (Sept. 2019), <https://www.europarl.europa.eu/at-your-service/en/be-heard/eurobarometer/post-election-survey-2019-first-results> (accessed 13 Jan. 2020).

⁶⁰ European Parliament, *Parliament Wants to Suspend EU Accession Negotiations with Turkey*, Press Release (13 Mar. 2019), <http://www.europarl.europa.eu/news/en/press-room/20190307IPR30746/parliament-wants-to-suspend-eu-accession-negotiations-with-turkey> (accessed 4 Jan. 2020).

⁶¹ S. P. Elitok, *Three Years on: An evaluation of the EU–Turkey Refugee Deal*, MiReKoc Working Papers 4, (Koc University 2019).

⁶² *The EU–Turkey Refugee Agreement: A Review*, DW (18 Mar. 2018), <https://www.dw.com/en/the-eu-turkey-refugee-agreement-a-review/a-43028295> (accessed 15 Jan. 2020).

⁶³ *Cumhurbaşkanı Erdoğan: Olmadı kapıları açarız, AB düşünsün*, Euronews (7 Sept. 2019), <https://tr.euronews.com/2019/09/07/erdogan-belediyelerde-isten-cikarmalara-tepki-gosterdi> (accessed 15 Jan. 2020).

4.5 GATEKEEPER TURKEY: STRATEGIC GAINS

The deal came as a reputational boost for Turkey in the middle of ever-growing European criticism about its human rights situation and the government's authoritarian turn. Rallying behind an anti-Western popular sentiment the government presented the deal as a strategic gain in which the power relationship between Turkey and the EU has finally been balanced, even tilted in favour of Turkey.⁶⁴

The migration deal has certainly transformed the nature of the EU–Turkey relations, turning it into a strategic partnership putting aside accession perspective in practice, contrary to the claim to re-energize it in the agreement. What appears to have mattered, for both sides, is to be able to work together on the ‘issues of mutual concern’. The Turkish government, no longer contemplating the possibility of the EU membership, by laying the ground for a strategic partnership, has earned a significant leverage over the EU.⁶⁵ Awareness about the changing strategic balance between the EU and Turkey is evident on the part of the Turkish leadership in the leaked account of a meeting between Erdogan and high-level EU officials as the former is quoted saying: ‘We can open the doors to Greece and Bulgaria anytime and we can put the refugees on buses (...) So how will you deal with refugees if you don't get a deal? Kill the refugees?’⁶⁶

Erdogan repeatedly used the presence of Syrian refugees in Turkey as a leverage against the EU in general and Germany in particular, threatening to ‘open the gates’ to Europe and flood the EU countries with migrants.⁶⁷ He acclaimed several times that European countries should be grateful to Turkey for hosting four million refugees.⁶⁸ Asking for support for his policy of setting up a safe zone in northern Syria, Erdogan warned: ‘Either you will provide support, or excuse us, but we are not going to carry this weight alone. We

⁶⁴ *Erdoğan'dan AB'ye: Daha ileri giderseniz, sınır kapıları açılır*, BBC Türkçe, (25 Nov. 2016), <https://www.bbc.com/turkce/haberler-turkiye-38103319> (accessed 16 Jan. 2020); Sputnik Türkiye, *Erdoğan, Türkiye-AB pazarlığında kartları elinde tuttuğunu sanıyor* (23 June 2016), <https://tr.sputniknews.com/analiz/201606231023524332-erdogan-turkiye-ab/> (accessed 16 Jan. 2020).

⁶⁵ G. Seufert, *Refugee Crisis: For Rationality in Relations with Turkey*, SWP (Berlin 11 Mar. 2016), <https://www.swp-berlin.org/en/point-of-view/refugee-crisis-for-rationality-in-relations-with-turkey/> (accessed 17 Jan. 2020); N. E. G. Aras, *A Game Changer in EU–Turkey Relations: The Opportunities and Pitfalls of Migration Policy*, 54(4) Int'l Spectator 55 (2019).

⁶⁶ *Turkey's Erdogan Threatened to Flood Europe with Migrants: Greek Website* (Reuters 8 Feb. 2016), <https://www.reuters.com/article/us-europe-migrants-eu-turkey-idUSKCN0VH1R0> (accessed 18 Jan. 2020).

⁶⁷ *Erdoğan'dan AB'ye: Daha ileri giderseniz, sınır kapıları açılır*, BBC Türkçe (25 Nov. 2016), <https://www.bbc.com/turkce/haberler-turkiye-38103319> (accessed 18 Jan. 2020).

⁶⁸ Anadolu Agency, *supra* n. 1.

have not been able to get help from the international community, namely the European Union'.⁶⁹

Trapped in the new strategic relationship instead of the accession perspective of conditionality the EU found its hands tied to influence the Turkish government on the issues of human rights violations, de-Europeanization, increasing authoritarianism, freedom of the press, etc. Some even argued that with the migration deal Turkey reversed the conditionality principle in its relations with the EU.⁷⁰ Turkey's strategic upper-hand, after the deal, in bilateral relations was confirmed by its drilling activities in Eastern Mediterranean, off the coast of Cyprus, which the EU finds it illegal but avoids a confrontation with Turkey warning that Turkey could be sanctioned for 'undermining the sovereignty of Cyprus'.⁷¹ This was immediately countered by a Turkish threat of deferring the migration deal and announcing the suspension of the readmission agreement with the EU,⁷² and in a matter of no time, the EU decided to postpone the sanctions in order to 'de-escalate' tensions.⁷³ In this context, the steady increase in illegal arrivals to the Greek islands in the summer of 2019,⁷⁴ though not comparable to the pre-deal numbers, can be interpreted as a warning to the EU from the Turkish government signalling its willingness to use the migration card. It appears that Turkey as the much needed 'gatekeeper' for migrants destined to Europe has got a new-found leverage over the EU.⁷⁵

4.6 GATEKEEPER TURKEY: DOMESTIC COSTS

The strategic gain as a gatekeeper of Europe attained by the migration deal with the EU has turned into a political liability in the face of growing anti-migration

⁶⁹ Turkey's Erdogan Threatens to 'Open the Gates' for Migrants to Europe, Euronews (5 Sept. 2019), <https://www.euronews.com/2019/09/05/turkey-s-erdogan-threatens-to-open-the-gates-for-migrants-to-europe> (accessed 19 Jan. 2020).

⁷⁰ A. Ott, *EU–Turkey Cooperation in Migration Matters: A Game Changer in a Multi-Layered Relationship?*, Cleer Papers 4 (The Hague: CLEER 2017); Saatcioglu, *supra* n. 22.

⁷¹ European Council, *Turkish Drilling Activities in the Eastern Mediterranean: Council Adopts Conclusions*, Press Release (15 July 2019), <https://www.consilium.europa.eu/en/press/press-releases/2019/07/15/turkish-drilling-activities-in-the-eastern-mediterranean-council-adopts-conclusions/> (accessed 19 Jan. 2020).

⁷² Euractiv, *supra* n. 38; *Readmission Agreement with EU No Longer Functional, Ankara Says*, Daily Sabah (25 July 2019), <https://www.dailysabah.com/eu-affairs/2019/07/23/readmission-agreement-with-eu-no-longer-functional-ankara-says> (accessed 16 Jan. 2020).

⁷³ J. Valero, *EU Postpones Announcement on Turkey Sanctions to 'De-Escalate' Tensions*, Euractiv (15 July 2019), <https://www.euractiv.com/section/global-europe/news/eu-postpones-announcement-on-turkey-sanctions-to-de-escalate-tensions/> (accessed 18 Jan. 2020).

⁷⁴ A. Carassava, *Greece 'at Breaking Point' as Migrant Numbers Triple*, The Times (21 Aug. 2019), <https://www.thetimes.co.uk/article/greece-at-breaking-point-as-migrant-numbers-triple-7697rqh8f> (accessed 18 Jan. 2020).

⁷⁵ A. Okyay & J. Zaragoza-Cristiani, *The Leverage of the Gatekeeper: Power and Interdependence in the Migration Nexus Between the EU and Turkey*, 51(4) *Int'l Spectator* 51–66 (2016); I. Kfir, *A Faustian Pact: Has the EU–Turkey Deal Undermined the EU's Own security?*, 37(3) *Comp. Strategy* 207–219 (2018).

sentiment in Turkey. The presence and maintenance of about four million Syrian refugees have increasingly proven to be a source of widespread discontent amidst growing unemployment, deepening economic crisis, and changing the demographic structure in almost all major cities of Turkey.⁷⁶ Blaming the government for its Syrian policy as the root of the problem and disapproving the public resources spent on the refugees exceeding 40 billion USD, as the government often declared to complain that international community did not share Turkey's burden, people at large have grown disconcerted. In fact, discontent about the way in which the government has managed the Syrian crisis stands as the single issue of concern that unites the Turkish public who are otherwise deeply polarized.⁷⁷ Indeed, opinion polls suggest that more than 80% of Turkish nationals want Syrian refugees to be repatriated to their country.⁷⁸

The government, from the very beginning, used an Islamic terminology to rally support to its open-door policy to the Syrian refugees likening them to the early Muslims of Mecca who sought refuge in Madina at the outset of Islam, and the Turkish people hosting them as *ensar*, the helpers. Likewise, the Syrian refugees have been described as part of Islamic Ummah, thus the religious brothers of Muslim Turkish people. Recently, it seems that even such religious rhetoric does not help the government to contain the anti-Syrian sentiments in Turkey. It is widely accepted, even by the Justice and Development Party (AKP) circles that the government's refugee policy, including the migration deal with the EU that was designed to keep the Syrian refugees in Turkey, played a significant role in losing the control of the largest cities, including Istanbul and Ankara, to the main opposition party in the 2019 local elections.⁷⁹ Immediately after the elections, the ministry of interior decided to deport the Syrian refugees without registration in Istanbul to cities where they are registered in an attempt to diffuse anti-Syrian sentiments that have turned into an anti-government political position.⁸⁰ The recent scheme of the

⁷⁶ M. Erdogan, *Syrian Refugees in Turkey*, Konrad Adenauer Stiftung (Sept. 2019), <https://www.kas.de/documents/283907/7339115/Syrian+Refugees+in+Turkey.pdf/5d3d4091-e56d-3c42-2a9c-4e7f5d98706f?version=1.0&t=1571303379232> (accessed 20 Jan. 2020).

⁷⁷ E. Erdogan, *Dimension of Polarization in Turkey*, GMF on Turkey (2018), <http://www.gmfus.org/publications/dimensions-polarization-turkey> (accessed 20 Jan. 2020).

⁷⁸ U. Farooq & N. Bulos, *Anti-Refugee Sentiment Grows in Turkey as Government Begins to Send Syrians Back*, LA Times (25 July 2015), <https://www.latimes.com/world-nation/story/2019-07-25/turkey-shows-signs-of-exasperation-over-refugees> (accessed 20 Jan. 2020).

⁷⁹ *FT'ye konuşan AKP seçmeni: Hükümetin en büyük hatası Suriyelileri kabul etmek*, Diken (5 Mar. 2018), <http://www.diken.com.tr/ftye-konusan-akp-secmeni-hukümetin-en-buyuk-hatasi-suriyelileri-kabul-etmek/> (accessed 21 Jan. 2020); A. Selvi, *Erdoğan'a hangi hurmadan alındı?*, Hurriyet (15 Aug. 2019), <http://www.hurriyet.com.tr/yazarlar/abdulkadir-selvi/erdogana-hangi-hurmadan-alindi-41302094> (accessed 21 Jan. 2020); UNHCR: *Refugee and Migrant Numbers Spike in Greece*, Daily Sabah (5 Sept. 2018), <https://www.dailysabah.com/world/2018/10/05/unhcr-refugee-and-migrant-numbers-spike-in-greece> (accessed 21 Jan. 2020).

⁸⁰ *İisleri bakanı Soylu: Göçmenler kayıtlı oldukları illere gitmiyorum dese de gidecek*, T24 (24 July 2019), <https://t24.com.tr/haber-soylu-dan-istanbul-daki-kayitsiz-suriyelilere-iliskin-aciklama,831952> (accessed 19 Jan. 2020).

government, though with almost no possibility of realization, to set up a ‘safe zone’ in the north of Syria where president Erdogan declared to resettle three million Syrian refugees from Turkey⁸¹ is another move to address the political cost of the Syrian refugees demonstrating that the gatekeeper policy of the government has backfired at the home front.

5 CONCLUSION

A deal that would halt the irregular mass migration towards Europe in 2016 seemed to be of utmost importance for the EU as the flow of migrants had put significant pressure on the Union, surfaced divergences of opinion within and between the Member States on how to respond to it while also contributing tremendously to the rise of Euroscepticism. The Turkish side, on the other hand, was anxious to redefine its relations with the EU on a new ground that would emphasize its equality and indispensability to the EU as a strategic partner if not a full-fledged member. Both sides, thus, appeared better off signing a migration agreement which they did on 18 March 2016. Despite occasional bickering, neither the Turkish government nor the EU has so far described the refugee agreement as an outright failure. While the Turkish side has stated its dissatisfaction especially about its financial benefits and lack of progress on visa liberalization as promised and sometimes has threatened to withdraw from the deal the European side has continuously declared the deal an overall success that must be kept.⁸²

From a European perspective, looking purely to the number of irregular migrants crossing the Aegean Sea from Turkey before and after the deal it can be concluded that the EU–Turkey migration deal has, at least partially, accomplished its objectives. However, a more nuanced analysis yields that the deal has its defective outcomes, and, thus, not been a complete success for both sides that undermines its sustainability.

For Turkey, a country negotiating accession, the deal not only provided financial support, but it also helped gain significant leverage over the EU. It helped the authoritarian government in Ankara that had increasingly been isolated in the world gain status and strength internationally. The deal also manifested that the relations with Turkey were no longer located in the context of a candidate country with a faraway prospect of membership but by a strategic partnership on issues of

⁸¹ Erdogan: ‘Güvenli bölge’ 3 milyon Suriyeli mülteciyi barındırabilir, Şarkul Avsat (18 Sept. 2019), <https://m.aawsat.com/turkish/home/article/1908396/erdo%C4%9Fan-g%C3%BCvenli-b%C3%B6lge-3-milyon-suriyeli-m%C3%BClteciiyi-bar%C4%B1nd%C4%B1rabilir> (accessed 19 Jan. 2020); S. Adar, *Repatriation to Turkey’s ‘Safe Zone’ in Northeast Syria: Ankara’s Goals and European Concerns*, SWP Comment 2020/C (1 Jan. 2020).

⁸² Avramopoulos: *EU/Turkey Migrants Deal Must Survive*, Euronews (12 Sept. 2019), <https://www.euronews.com/2019/09/11/avramopoulos-eu-turkey-migrants-deal-must-survive>; Anadolu Agency, *supra*, n. 1.

common concern like migration. The Turkish government has viewed the deal as a power instrument despite the fact that it has often asked for more, a rhetorical push to test the currency of its newly acquired power.

Yet, using the deal as leverage has not secured visa liberalization and opening of new chapters in accession negotiations, an objective stated in the agreement. Moreover, by settling for a strategic relationship with the EU the Turkish government has effectively shelved off its long-fought objective of full membership. While the deal aimed to deepen bilateral relations between the EU and Turkey it has, in fact, had the opposite effect. The tendency of the Turkish government to use the deal as a bargaining chip against the EU resulted in resentment and uneasiness in the European circles. Disputes between the two sides completely unrelated to illegal migration, such as the drilling in East Mediterranean, pose to jeopardize the sustainability of the 2016 agreement which has been finally acknowledged by a key architect of the deal, Germany's Chancellor Angela Merkel.⁸³ Thus, the migration deal has further politicized the EU-Turkish relations, creating an impression in Europe that the EU has been taken hostage by an untrustworthy Turkey that often threatens to open its borders and flood Europe with migrants.

On the other hand, the EU's reputation as a normative power has been scrutinized as it appeared prioritizing security over human rights as reflected in the migration deal. A Union that has been pursuing a policy of protecting and promoting human rights worldwide has been subject to excessive criticisms that it has been committing severe human rights violations and infringement of the internationally recognized right for asylum. Also, accepting Turkey with a dubious human rights record documented by the EU itself over the years as a safe third country for the sake of migration deal has damaged the EU's claim to be a normative power.

The deal has also instigated significant political costs for the Turkish government. The public in Turkey has increasingly come to believe that with the deal the Turkish government has accepted to keep Syrian refugees in Turkey for good, relieving Europe at the expense of Turkey. The displeasure of the Turkish citizens with the presence of the nearly four million Syrian refugees trapped in Turkey due to the migration deal was reflected in the 2019 local elections in which the ruling AKP lost two major cities, Istanbul and Ankara. It is most likely that Erdogan will not risk his political future for the sake of the deal, and may find ways to stem off the pressure of Turkey's refugee crisis by keeping his option of opening the gates for migrants to Europe on the table.

⁸³ N. Nielsen, *EU-Turkey Migrant Deal Under Pressure*, EU Observer (30 Aug. 2019), <https://euobserver.com/migration/145778> (accessed 21 Jan. 2020).

Hence, when thirty-six Turkish soldiers were killed in Idlib by Russian backed Syrian government forces on 27 February 2020 the Turkish government decided to play its ‘refugee card’ by opening its borders for refugees to depart for the EU countries. The decision of the Turkish government was geared to distract its public opinion away from such a heavy loss, put pressure on the EU to extract more financial assistance for hosting Syrian refugees, and force the EU to support its plan to set up a safe zone in north-western Syria where refugees resident in Turkey were planned to be resettled. Declaration to provide free passage into the EU territory via Greece has been the first, but long-awaited, blow to the deal. Tens of thousands of migrants gathered at the border with the facilitating hands of the Turkish authorities encountered tough Greek stand effectively shutting down the border. The EU strongly denounced Turkey’s use of ‘migratory pressure for political purposes’, yet agreed to set up working groups to ‘review’ implementation of the March 2016 deal⁸⁴ while the German chancellor accused Turkey of trying to ‘solve its problems on the backs of refugees’.⁸⁵

As the February–March 2020 crisis once more displayed, the prospect for maintaining the EU–Turkey migration deal seems dim. Yet, the longevity of the deal can still be extended by strengthening it with some improvements that will address Turkey’s imminent refugee problem and the root cause of the Syrian refugee flow. The upcoming German presidency of the European Council may be a facilitating factor for a prospect of updating the deal since Germany as a country that hosts the greatest number of migrants from Syria in Europe is also the architect of the deal. However, Turkey’s democratic backsliding in recent years continues to constitute an obstacle to improve political cooperation and foster trust between the two sides increasing the frailty of the deal.

In any possible initiative to reinforce the deal, the EU should recognize the fact that it is neighbouring the world’s largest refugee-hosting country, and as such without reducing Turkey’s burden the March 2016 deal is unlikely to relieve the EU of new migration waves using the Turkey route. A plausible policy for the EU would be to help Turkey increase its border management capabilities as, in addition to the Syrian refugees, an increasing number of migrants from Afghanistan, Pakistan, Iran, and Iraq use the Turkish route into the EU, evident in the recent refugee crisis on the Turkish–Greek border in February/March

⁸⁴ European Council, *Statement of the Foreign Affairs Council*, Press Release (6 Mar. 2020), <https://www.consilium.europa.eu/en/press/press-releases/2020/03/06/statement-of-the-foreign-affairs-council-on-syria-and-turkey/> (accessed 12 Mar. 2020).

⁸⁵ *Germany’s Merkel: Turkey’s Handling of Migrant and Refugee Crisis ‘Unacceptable’*, DW (9 Mar. 2020), <https://www.dw.com/en/germanys-merkel-turkeys-handling-of-migrant-and-refugee-crisis-unacceptable/a-52688912> (accessed 12 Mar. 2020).

2020.⁸⁶ The prospect of the EU–Turkey deal also depends on the degree to which the Syrian refugees have been settled in Turkey economically and socially integrating with the host country. To facilitate this process, the EU needs to work together with the Turkish government notwithstanding the nature of the regime in Ankara, engage with civil society, and continue to provide financial stimulants.

However, it must not be forgotten that the root cause of the Syrian refugee crisis is the civil war in Syria. The EU cannot remain indifferent to the situation in Syria while being concerned about the flow of Syrian refugees into Europe. To prevent new outflows and encourage the ones in Turkey to return to their homeland requires to make Syria safe. To do so an active EU engagement to stop the war and a commitment to the reconstruction of Syria is needed.

In short, without addressing the question of Turkey’s capability to control its borders, facilitating the integration of Syrian refugees economically and socially into Turkey, and putting an effort to peacefully resolve the civil war in Syria the EU–Turkey deal is bound to remain fragile.

⁸⁶ G. Abdul-Ahad, *‘Just Run’: On the Turkey-Greece Border as Refugees Try to Break Through*, The Guardian (2 Mar. 2020), <https://www.theguardian.com/world/2020/mar/02/just-run-on-the-turkey-greece-border-as-refugees-try-to-break-through> (accessed 12 Mar. 2020).